

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CLEVE COTTON,)	
on behalf of plaintiff and the class defined)	
below,)	
)	
Plaintiff,)	10-cv-4709
)	
vs.)	Magistrate Judge Valdez
)	
NATIONAL ACTION FINANCIAL)	
SERVICES, INC.,)	
)	
Defendant.)	

JOINT STATUS REPORT

1. Claims/Counterclaims

Plaintiff claims that Defendant violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”) by using automated equipment to call his cellular telephone without his consent or authorization. Specifically, Plaintiff claims that Defendant’s calls using automated equipment violated the TCPA because he did not authorize the automated placement of calls to his cellular telephone, nor did he furnish his cellular telephone number to Defendant or the putative creditor. Defendant has not filed any counterclaims, and there is no third party complaint. Defendant denies liability and has raised one affirmative defense in its answer to the complaint.

2. Relief Sought

Plaintiff seeks statutory damages for himself and the class, an injunction against further violations, costs of suit, and such other or further relief as the Court deems just and proper.

3. Pending Motions

Currently pending before the Court is Plaintiff’s Preliminary Motion for Class Certification, filed August 27, 2010. There is no briefing schedule set.

4. Current dates

Currently, there are no dates set for a discovery cut-off, pretrial order or trial. A proposed Rule 16(b) scheduling order is attached hereto as Exhibit A.

5. Discovery

The parties have not completed any discovery at this time.

6. Jury Demand

Neither party has made a demand for a trial by jury.

7. Status of Settlement

The parties have discussed settlement, but without information about the size of the alleged class and any applicable insurance policies, Plaintiff is unable to make a settlement demand.

Dated: February 25, 2011

s/Francis R. Greene
Francis R. Greene

s/Jeffrey D. Pilgrim
Jeffrey D. Pilgrim

Attorney for Plaintiff Cleve Cotton

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CERTIFICATE OF SERVICE

I, Francis R. Greene, hereby certify that on February 25, 2011, I caused to be filed the foregoing documents with the Clerk of the Court using the CM/ECF System which will cause to be sent notification of such filing via electronic mail to the following parties:

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s/Francis R. Greene
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